

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
: :
v. : CRIMINAL ACTION NO. 17-23
: CIVIL ACTION NO. 20-5571
IRVIN RANDALL NEWSWANGER :
:

ORDER

AND NOW, this 31st day of July, 2023, after considering the motion under 28 U.S.C. § 2255 to vacate, set aside, or correct a sentence filed by the movant, Irvin Randall Newswanger (“Newswanger”) (Doc. No. 58); and the court having also considered (1) Newswanger’s appendix to his section 2255 motion (Doc. No. 60), (2) the government’s response in opposition to Newswanger’s section 2255 motion (Doc. No. 63), (3) Newswanger’s reply to the government’s response to Newswanger’s section 2255 motion (Doc. No. 66), (4) the evidence presented during the evidentiary hearing on November 8, 2021 (Doc. No. 76), (5) Newswanger’s post-evidentiary hearing supplemental brief in support of his section 2255 motion (Doc. No. 86), (6) the government’s post-evidentiary hearing response to Newswanger’s section 2255 motion (Doc. No. 89), (7) the arguments from counsel during the June 6, 2022 oral argument; and (8) all pretrial proceedings and filings; and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. Newswanger’s motion under 28 U.S.C. § 2255 to vacate, set aside, or correct a sentence (Doc. No. 58) is **DENIED**;
2. The court **DECLINES** to issue of a certificate of appealability;
3. The clerk of court is **DIRECTED** to **REMOVE** the companion civil case, Civil Action No. 20-5571 from civil suspense and **RETURN** it to the undersigned’s active docket; and

4. The clerk of court shall **CLOSE** Civil Action No. 20-5571.

BY THE COURT:

/s/ *Edward G. Smith*
EDWARD G. SMITH, J.